

- (2) For subsequent filings, the Carrier Common Line revenue requirement shall be determined by a cost of service study for the total period since the carrier's last biennial access filing. The Carrier Common Line revenue requirement determined in this manner shall be divided by a factor equal to the demand over the preceding 2412-month period, multiplied by a factor equal to one plus 1/2 times the ratio of Carrier Common Line minutes of use during the most recent 2412-month period over Carrier Common Line minutes of use in the preceding 2412-month period.

§ 61.4239 Optional supporting information to be submitted with letters of transmittal for Access Tariff filings effective on or after April 1, 1989, by local exchange carriers serving 50,000 or fewer access lines in a given study area that are described as subset 3 carriers in § [Z.402]60.602.

- (a) **Scope.** This Section provides for an optional method of filing for any local exchange carrier that is described as subset 3 carrier in § Z.40260.602, which elects to issue its own Access Tariff for a period commencing on or after April 1, 1989, and which serves 50,000 or fewer access lines in a study area as determined under § 36.611(a)(8) of the Commission's Rules. However, the Commission may require any carrier to submit such information as may be necessary for review of a tariff filing. This section (other than the preceding sentence of this paragraph) shall not apply to tariff filings proposing rates for services identified in § Y.20261.42(d), (e), and (g), which filings are submitted by carriers subject to price cap regulation, or to tariff filings proposing rates for services identified in § 61.4150, which filings are submitted by carriers subject to optional incentive regulation.
- (b) **Explanation and data supporting tariff changes.** The material to be submitted for either a tariff change or a new tariff which affects rates or charges must include an explanation of the filing in the transmittal as required by § 61.4733. The basis for ratemaking must comply with the following requirements. Except as provided in paragraph (b)(5) of this section, it is not necessary to submit this supporting data at the time of the filing. However, the local exchange carrier should be prepared to submit the data promptly upon reasonable request by the Commission or interested parties.

Proposed Part 61 Rules

- ~~(1) For a tariff change, the local exchange carrier that is a cost schedule carrier must propose Traffic Sensitive rates based on the following:~~

 - ~~(i) For the first period, a cost of service study for Traffic Sensitive elements for the most recent 12 month period with related demand for the same period.~~
 - ~~(ii) For subsequent filings, a cost of service study for Traffic Sensitive elements for the total period since the local exchange carrier's last annual filing, with related demand for the same period.~~
- (1) For tariff changes for transport, switching or other category services in an IMA or TMA, the local exchange carrier that is a cost schedule carrier must supply support material to demonstrate compliance with § Y.306.**
- (2) For a tariff change, the local exchange carrier company that is an average schedule carrier must propose Traffic Sensitive rates based on the following:**

 - (i) For the first period, the local exchange carrier's most recent annual Traffic Sensitive settlement from the National Exchange Carrier Association pool.**
 - (ii) For subsequent filings, an amount calculated to reflect the Traffic Sensitive average schedule pool settlement the carrier would have received if the carrier had continued to participate, based upon the most recent average schedule formulas developed by the National Exchange Carrier Association**
- (3) For a tariff change, the local exchange carrier that is a cost schedule carrier must propose Common Line rates based on the following:**

 - ~~(i) For the first period the Carrier Common Line revenue requirement shall be determined by a cost of service study for the most recent 12 month period. The Carrier Common Line revenue requirement shall be divided by a factor equal to the demand over the preceding 12 month period, multiplied by the ratio of Carrier Common Line minutes of use during the most~~

~~recent 12 month period over Carrier Common Line minutes of use in the preceding 12-month period.~~

- (i) For the local exchange carrier's initial filing, the Carrier Common Line revenue requirement shall be determined by a cost of service study for the 12-month base period. The Carrier Common Line revenue requirement shall be divided by the initial 12-month base period demand multiplied by a factor equal to one plus 1/2 of the Carrier Common Line minutes of use growth from the initial base period over the proceeding 12-month period.¹⁰
- ~~(ii) For subsequent filings, the Carrier Common Line revenue requirement shall be determined by a cost of service study for the total period since the carrier's last biennial access filing. The Carrier Common Line revenue requirement determined in this manner shall be divided by a factor equal to the demand over the preceding 12-month period, multiplied by the ratio of Carrier Common Line minutes of use during the most recent 12-month period over Carrier Common Line minutes of use in the preceding 12-month period.~~
- (iii) For the local exchange carrier's subsequent filings, the Carrier Common Line revenue requirement shall be determined by a cost of service study for the 24-month base period. The Carrier Common Line revenue requirement shall be divided by the 24-month base period demand multiplied by a factor equal to one plus 1/2 of the Carrier Common Line minutes of use growth from the initial base period over the proceeding 24-month period.¹¹

¹⁰ Per USTA Petition for Partial Reconsideration and Clarification, CC Docket 92-135, "Regulatory Reform for Local Exchange Carriers subject to Rate of Return Regulation", August 5, 1993.

¹¹ Id.

- (4) For a tariff change, the local exchange carrier which is an average schedule carrier must propose common line rates based on the following:

- (i) ~~For the first period, the local exchange carrier's most recent annual Common Line settlement from the National Exchange Carrier Association. This carrier common line settlement amount shall be divided by a factor equal to the demand over the preceding 12-month period, multiplied by the ratio of Carrier Common Line minutes of use during the most recent 12-month period over Carrier Common Line minutes of use in the preceding 12-month period.~~
- (i) For the local exchange carrier's initial filing, the most recent annual Common Line settlement from the Association. The Carrier Common Line settlement amount shall be determined by a cost of service study for the 12-month base period. The Carrier Common Line revenue requirement shall be divided by the initial 12-month base period demand multiplied by a factor equal to one plus 1/2 of the Carrier Common Line minutes of use growth from the initial base period over the proceeding 12-month period.¹²
- (ii) ~~For subsequent filings, an amount calculated to reflect the average schedule pools settlement the carrier would have received if the carrier had continued to participate, based upon the most recent average schedule Common Line formulas developed by the National Exchange Carrier Association. This amount shall be divided by a factor equal to the demand over the preceding 12-month period, multiplied by the ratio of Carrier Common Line minutes of use during the most recent 12-month period over Carrier Common Line minutes of use in the preceding 12-month period.~~

¹² Id.

- (ii) For the local exchange carrier's subsequent filings, an amount calculated to reflect the average schedule pool settlement the carrier would have received if the carrier had continued to participate, based upon the most recent average schedule common line schedules developed by the Association. The Carrier Common Line settlement amount shall be divided the 24-month base period demand multiplied by a factor equal to one plus 1/2 of the Carrier Common line minutes of use growth from the initial base period over the proceeding 24-month period.¹³
- (5) For End User Common Line charges included in a tariff pursuant to this Section, the local exchange carrier must provide supporting information for the two-year historical period with its letter of transmittal in accordance with § 61.38.
- (c) *Maximum allowable rate of return.* Local exchange carriers filing tariffs under this section are not required to comply with §§ 65.700 through 65.701, inclusive, of the Commission's Rules, except with respect to periods during which tariffs were not subject to this section. The Commission may require any carrier to submit such information if it deems it necessary to monitor the carrier's earnings. However, rates must be calculated based on the local exchange carrier's prescribed rate of return applicable to the period during which the rates are effective.
- (d) Rates for a new service in an IMA or TMA that is the same as that offered by a price cap regulated local exchange carrier providing service in an adjacent serving area are deemed presumptively lawful, if the proposed rates, in the aggregate, are no greater than the rates established by the price cap local exchange carrier. Tariff filings made pursuant to this paragraph must include the following:
 - (1) A brief explanation of why the service is like an existing service offered by a geographically adjacent price cap regulated local exchange carrier; and

¹³ Id.

Proposed Part 61 Rules

- (2) **Data to establish compliance with this subsection that, in aggregate, the proposed rates for the new service are no greater than those in effect for the same or comparable service offered by that same geographically adjacent price cap regulated local exchange carrier. Compliance may be shown through submission of applicable tariff pages of the adjacent carrier; a showing that the serving areas are adjacent; any necessary explanations and work sheets.**
- (e) **Average schedule companies filing pursuant to this Section shall retain their status as average schedule companies.**
- (f) **Each tariff filing by a local exchange carrier for a service offered in a CMA shall be accompanied by the following:**
 - (1) **The term of the service, including any renewal options;**
 - (2) **A brief description of each of the services provided;**
 - (3) **Minimum volume commitments for each service;**
 - (4) **The price for each service or services at the volume levels committed to by the customers;**
 - (5) **A general description of any volume discounts built into the rate structure; and**
 - (6) **A general description of other classifications, practices and regulations affecting the service rate.**
- (g) **In addition to the requirements of paragraph (f) of this section, each tariff filing by a local exchange carrier which introduces a § Y.303 service, other than § Y.303(c) and (d) services, in an IMA or TMA, shall be accompanied by a demonstration that the service will generate a net revenue increase:**
 - (A) **The net revenue increase showing shall be measured against revenues generated from all services subject to rate of return regulation.**

(B) The net revenue increase measured in (A) shall be calculated based upon present value within 36 months from the date the service becomes effective.

(h) Tariff filings for contract-based services shall be made pursuant to § 61.40.

§ 61.43 Annual price cap filings required.

(a) Interexchange carriers subject to price cap regulation shall submit annual price cap tariff filings that propose rates for the upcoming year, that make appropriate adjustments to their PCI, API, and SBI values pursuant to §§ 61.3444 through 61.3647, and that incorporate the costs and rates of new services into the PCI, API, or SBI calculations pursuant to §§ 61.3444(g), ~~61.45(g)~~, 61.3546(b), and 61.3647(b) and (c).

(b) Local exchange carriers subject to price cap regulation shall submit annual price cap tariff filings that propose rates for the upcoming year, that make appropriate adjustments to their PCI, API, and MABI values pursuant to §§ Y.203 through Y.205, and that incorporate the costs and rates of new services into the PCI, API, or MABI calculations pursuant to §§ Y.203(i), Y.204(b), and Y.205(b) ~~and (c)~~.

§ 61.4469.3 Filing of access service tariffs.¹⁴

(a) Except as provided in paragraphs (g) and (h) of this section, a local exchange carrier may file a tariff for access services with this Commission for an annual or biennial period, except the association must file annually. ~~a tariff for access service shall be filed with this Commission for a two-year period.~~ Such tariffs shall be filed on a minimum of 90 days' notice with a scheduled effective date of July 1. Such tariff filings shall be limited to rate level changes.

¹⁴ Proposed Section 61.44 of this Part is a modified version of the existing Section 69.3 rules.

Proposed Part 61 Rules

- (b) The requirements imposed by paragraph (a) of this Section shall not preclude the filing of revisions to those annual tariffs that will become effective on dates other than July 1.
- (c) Any access service tariff filing, the filing of any petitions for rejection, investigation or suspension and the filing of any responses to such petitions shall comply with the applicable rules of this Commission relating to tariff filings.
- (d) The association shall file a tariff as agent for all local exchange carrier~~telephone companies~~ that participate in an association tariff.
- (e) A local exchange carrier~~telephone company~~ or group of local exchange carrier~~telephone companies~~ may file a tariff that is not an association tariff, except that a group rate for non-affiliated local exchange carrier~~telephone companies~~ may not be filed under section § 61.4150; e.g., the Association. Such a tariff may cross-reference the association tariff for some access elements and include separately computed charges of such company or companies for other elements. Any such tariff must comply with the requirements hereinafter provided:
 - (1) Such a tariff must cross-reference association charges for the Carrier Common Line and End User Common Line element or elements if such company or companies participate in the pooling of revenues and revenue requirements for such elements;
 - (2) Such a tariff that cross-references an association charge for any end user access element must cross-reference association charges for all end user access elements;
 - (3) Such a tariff that cross-references any association charges ~~for any carrier's carrier access element~~ other than the Carrier Common Line ~~charge~~element must cross-reference all association charges ~~for all carrier's carrier access charges~~ other than the Carrier Common Line ~~charge~~element;
 - (4) Except for charges subject to price cap regulation as that term is defined in §61.3(flv) of this chapter, any charge in such a tariff that is not an association charge must be computed to reflect the combined investment and expenses of all companies that participate in such a charge;

Proposed Part 61 Rules

- (5) ~~A telephone company or companies that elect to file such a tariff for 1984 access charges shall notify AT&T on or before the 40th day after the release of the Commission order adopting this Part;~~**
- (56) A local exchange carriertelephone company or companies that elect to file such a tariff shall notify the association not later than December 31, of the preceding year, if such company or companies did not file such a tariff in preceding annual period or cross-reference association charges in such preceding period that will not be cross-referenced in the new tariff.**
- (7) ~~Such a tariff shall not contain charges for any access elements that are disaggregated or deaveraged within a study area that is used for purposes of jurisdictional separations;~~**
- (68) Such a tariff shall not contain charges included in the Billing and Collection Category.**
- (79) ~~A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff effective April 1, 1990 shall notify the association not later than August 30 of the preceding year that it will no longer participate in the association tariff.~~ A local exchange carriertelephone company or group of affiliated local exchange carriertelephone companies that elects to file its own Carrier Common Line tariff effective July 1, 1990, or thereafter pursuant to § 61.4469-3(a), shall notify the association not later than December 31 of the preceding year that it will no longer participate in the association tariff. A local exchange carriertelephone company or group of affiliated local exchange carriertelephone companies that elects to file its own Carrier Common Line tariff for one of its study areas shall file its own Carrier Common Line tariff(s) for all of its study areas.**
- (840) Any data supporting a tariff that is not an association tariff shall be consistent with any data that the filing carrier submitted to the association.**

- (944) Any changes in Association common line tariff participation and Long Term and ~~Transitional~~ Support resulting from the merger or acquisition of telephone properties are to be made effective on the next annual access tariff filing effective date following consummation of the merger or acquisition transaction, in accordance with the provisions of § 61.44(e)(7)69.3(e)(9).
- (f) A tariff for access service provided by a local exchange carriertelephone company that may file an access tariff pursuant to § 61.4239 may be filed for a biennial period with a minimum of 90 days notice and scheduled effective date of July 1 of any odd numbered year. An eligible local exchange carriertelephone company that does not elect to file an access tariff pursuant to the § 61.4239 procedures may elect to file a biennial tariff pursuant to this section. For purposes of computing charges for access elements other than Common Line elements to be effective on July 1 of any even-numbered year, the association may compute rate changes based upon statistical methods which represent a reasonable equivalent to the cost support information otherwise required under Part 61 of this chapter.
- (g) The following rules apply to local exchange carriertelephone company participation in the Association common line pool for local exchange carrierstereotype companies involved in a merger or acquisition.
- (1) Notwithstanding the requirements of § 61.44(e)(7)69.3(e)(9), any Association common line tariff participant that is party to a merger or acquisition may continue to participate in the Association common line tariff.
 - (2) Notwithstanding the requirements of § 61.43(e)(7)69.3(e)(9), any Association common line tariff participant that is party to a merger or acquisition may include other telephone properties involved in the transaction in the Association common line tariff, provided that the net addition of common lines to the Association common line tariff resulting from the transaction is not greater than 50,000, and provided further that, if any common lines involved in a merger or acquisition are returned to the Association common line tariff, all of the common lines involved in the merger or acquisition must be returned to the Association common line tariff.

Proposed Part 61 Rules

- (3) **Local exchange carriers**~~Telephone companies~~ involved in mergers or acquisitions that wish to have more than 50,000 common lines reenter the Association common line pool must request a waiver of ~~§ 61.44(e)(7)~~~~69-3(e)(9)~~. If the **local exchange carrier**~~telephone company~~ has met all other legal obligations, the waiver request will be deemed granted on the sixty-first (61st) day from the date of public notice inviting comment on the requested waiver unless:
- (i) the merger or acquisition involves one or more partial study areas;
 - (ii) the waiver includes a request for confidentiality of some or all of the materials supporting the request;
 - (iii) the waiver includes a request to return only a portion of the telephone properties involved in the transaction to the Association common line tariff;
 - (iv) the Commission rejects the waiver request prior to the expiration of the sixty day period;
 - (v) the Commission requests additional time or information to process the waiver application prior to the expiration of the sixty day period; or
 - (vi) a party, in a timely manner, opposes a waiver request or seeks conditional approval of the waiver in response to our public notice of the waiver request.
- (h) **Local exchange carriers subject to price cap regulation**~~as that term is defined in § 61.3(v) of this chapter~~, shall file with this Commission a price cap tariff for access service for an annual period. Subject to § Y.2006-1.48, such tariffs shall be filed to provide a minimum of 90 days' notice with a scheduled effective date of July 1. Such tariff filings shall be limited to changes in the Price Cap Indexes, rate level changes (with corresponding adjustments to the affected Actual Price Indexes and Market Area Band Indexes~~Service Band Indexes~~), and the incorporation of new services into the affected indexes as required by § 61.3149 of this chapter.

Proposed Part 61 Rules

- (i) The following rules apply to the withdrawal from Association tariffs under the provision of paragraphs (e)(6) or (e)(9) of this section or both by ~~local exchange carrier~~~~telephone companies~~ electing to file price cap tariffs pursuant to § ~~61.4460-3~~(h) or optional incentive plan tariffs pursuant to § 61.4150 of this chapter.
 - (1) In addition to the withdrawal provisions of § ~~61.44(e)(5)60-3~~(e)(6) and (9), a ~~local exchange carrier~~~~telephone company~~ or group of affiliated ~~local exchange carrier~~~~telephone companies~~ that participates in one or more Association tariffs during the current tariff year and that elects to file price cap tariffs or optional incentive regulation tariffs effective July 1 of the following tariff year, shall give the Association at least 6 months' notice that it is withdrawing from all Association tariffs, subject to the terms of this Rule, to participate in price cap regulation or optional incentive regulation.
 - (2) The Association shall maintain records of such withdrawals sufficient to discharge its obligations under these Rules and to detect efforts by such companies or their affiliates to rejoin any Association tariffs in violation of the provisions in paragraph (i)(4) of this section.
 - (3) Notwithstanding the provisions of § ~~61.44(e)(5)60-3~~(e)(6) and (9), in the event a ~~local exchange carrier~~~~telephone company~~ withdraws from all Association tariffs for the purpose of filing price cap tariffs or optional incentive plan tariffs such company shall exclude from such withdrawal all "average schedule" affiliates and all affiliates so excluded shall be specified in the withdrawal. However, such company may include one or more "average schedule" affiliates in price cap regulation or optional incentive plan regulation provided that each price cap or optional incentive plan affiliate relinquishes "average schedule" status and withdraws from all Association tariffs and any tariff filed pursuant to § 61.4230(b)(2) of this chapter. See generally, §§ Z.40560-606(c), 61.4230(b) of this chapter; MTS and WATS Market Structure: Average Schedule Companies, Report and Order, 103 FCC 2nd 1026-1027 (1986).

Proposed Part 61 Rules

- (4) If a ~~local exchange carriertelephone company~~ elects to withdraw from Association tariffs and thereafter becomes subject to price cap regulation as that term is defined in § 61.3(ffv) of this chapter, neither such ~~local exchange carriertelephone company~~ nor any of its withdrawing affiliates shall thereafter be permitted to participate in any Association tariffs.
- (j) A ~~local exchange carriertelephone company~~ or group of affiliated ~~local exchange carrier~~ ~~telephone companies~~ that participates in an association tariff and elects to file its own tariff pursuant to § 61.4150 effective January 1, 1994 shall notify the association not later than September 1, 1993 that it will no longer participate in the association tariff. This January 1, 1994 filing shall be for an 18-month tariff period. A ~~local exchange carriertelephone company~~ or group of affiliated ~~local exchange carrier~~ ~~telephone companies~~ that participates in an association tariff and elects to file its own tariff pursuant to § 61.4150 effective July 1, 1994 or thereafter pursuant to § 61.4469.3(a) shall notify the association not later than December 31 of the preceding year that it will no longer participate in that association tariff.

§ 61.4540 Private line rate structure guidelines.

- (a) The Commission uses a variety of tools to determine whether a carrier's private line tariffs are just, reasonable and nondiscriminatory. The carrier's burden of cost justification can be reduced when its private line rate structures comply with the following five guidelines.
 - (1) Rate structures for the same or comparable services should be integrated;
 - (2) Rate structures for the same or comparable services should be consistent with one another;
 - (3) Rate elements should be selected to reflect market demand, pricing convenience for the carrier and customers, and cost characteristics, a rate element which appears separately in all other rate structures;

Proposed Part 61 Rules

- (4) Rate elements should be consistently defined with respect to underlying service functions and should be consistently employed through all rate structures; and
 - (5) Rate structures should be simple and easy to understand.
- (b) The guidelines do not preclude a carrier, in a given case when a private line tariff does not comply with these guidelines, from justifying its departure from the guidelines and showing that its tariff is just, reasonable, and nondiscriminatory.

Subpart C - Specific Rules For Tariff Publications

§ 61.4632 Method of filing publications.

- (a) Publications sent for filing must be addressed to "Secretary, Communications Commission, Washington, DC 20554." The date on which the publication is received by the Secretary of the Commission (or the Mail Room where submitted by mail) is considered the official filing date.
- (b) In addition, for all tariff publications requiring fees as set forth in Part 1, Subpart G of this chapter, issuing carriers must submit the original of the transmittal letter (without attachments), FCC Form 155, and the appropriate fee to the Mellon Bank, Pittsburgh, PA, at the address set forth in §1.1105. Issuing carriers should submit these fee materials on the same date as the submission in paragraph (a).
- (c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the transmittal letter with two copies of the proposed tariff pages and all attachments, including the supporting information specified in § 61.38, or § 61.3149, as appropriate, to the Secretary, Federal Communications Commission. In addition, the issuing carrier must send a copy of the publication, supporting information specified in § 61.38 or § 61.3149, as appropriate, and transmittal letter to the commercial contractor (at its office on Commission premises) and to the Chief, Tariff Review Branch. The latter should be clearly labeled as the "Public Reference Copy." The copies of supporting

Proposed Part 61 Rules

information required here are in addition to those required by § 61.38(c). The issuing carrier must file the copies required by this paragraph so that they will be received on the same date as the filings in paragraph (a).

§ 61.4733 Letters of transmittal.

- (a) Except as specified in § 61.4632(b), all publications filed with the Commission must be accompanied by a letter of transmittal, 8½ by 11 inches in size. All letters of transmittal must:
 - (1) concisely explain the nature and purpose of the filing;
 - (2) specify whether supporting information under § 61.38 is required;
 - (3) state whether copies have been delivered to the Commercial Contractor and Chief, Tariff Review Branch as required by Section § 61.4632, and
 - (4) contain a statement indicating the date and method of filing of the original of the transmittal as required by § 61.4632(b), and the date and method of filing the copies as required by § 61.4632(a) and (c).
- (b) In addition to the requirements set forth in paragraph (a) of this section, any local exchange carrier choosing to file an Access Tariff under § 61.4239 must include in the transmittal:
 - (1) a summary of the filing's basic rates, terms and conditions;
 - (2) a statement concerning whether any prior Commission facility authorization necessary to the implementation of the tariff has been obtained; and
 - (3) a statement that the filing is made pursuant to § 61.4239.
- (c) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a price cap tariff must include in the letter of transmittal a statement that the filing is made pursuant to § 61.3149.

Proposed Part 61 Rules

- (d) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a new or revised tariff made on less than 15 days' notice must include in the letter of transmittal the name, room number, street address, telephone number, and facsimile number of the individual designated by the filing carrier to receive personal or facsimile service of petitions against the filing as required under § 1.773(a)(4) of this chapter.
- (e) In addition to the requirements set forth in paragraphs (a), (b), and (c) of this section, the letter of transmittal must specifically reference by number any special permission necessary to implement the tariff publication. Special permission must be granted prior to the filing of the tariff publication and may not be requested in the transmittal letter.
- (f) The letter of transmittal must be substantially in the following format.

(Exact name of carrier in full)
(Post Office Address)
(Date)
Transmittal No. _____
Federal Communications Commission
Washington, D. C. 20554

Attention: Common Carrier Bureau

The accompanying tariff (or other publication) issued by _____, and bearing FCC No. _____, effective _____, 19_____, is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended. (Here give the additional information required.)

(Name of issuing officer or agent)
(Title)

- (g)(1) A separate letter of transmittal may accompany each publication, or the above format may be modified to provide for filing as many publications as desired with one transmittal letter.

Proposed Part 61 Rules

- (g)(2) For contract-based tariffs defined in § 61.3(nm), a separate letter of transmittal must accompany each tariff filed. The transmittals must be numbered in a series separate from transmittals for non-contract tariff filing. Numbers must appear on the face of the transmittal and be in the form of "CTT No. _____", using CTT as an abbreviation for contract-based tariff transmittals. Contract-based tariffs must also be numbered in a series separate from non-contract-based tariffs. Numbers must be in the form of "CT No. _____", using CT as an abbreviation for contract-based tariffs. Each contract-based tariff must be assigned a separate number. Transmittals and tariffs subject to this paragraph shall be filed beginning with the number "1" and shall be numbered consecutively.

Note: If a receipt for the accompanying publication is desired, the letter of transmittal must be sent in duplicate. One copy showing the date of receipt by the Commission will then be returned to the sender.

§ 61.4835 Delivered free of charges.

Tariff publications must be delivered to the Commission free from all charges, including claims of postage.

§ 61.4936 Tariff publications not returned.

Tariff publications will not be returned.

§ 61.52 Form, size, type, legibility, etc.

- (a) All tariff publications must be in loose-leaf form of size 8 1/2 by 11 inches, and must be plainly printed in black print on white paper of durable quality. Less than 6-point type may not be used. Erasures or alterations in writing must not be made in any tariff publication filed with the Commission or in those copies posted for public convenience. A margin of no less than one inch in width must be allowed at the left edge of every tariff publication.

Proposed Part 61 Rules

- (b) Pages of tariffs must be printed on one side only, and must be numbered consecutively and designated as "Original title page", "Original page 1", "Original page 2", etc.
 - (1) All such pages must show, in the upper left-hand corner the name of the issuing carrier; in the upper right-hand corner the FCC number of the tariff, with the page designation directly below; in the lower left-hand corner the issued date; in the lower right-hand corner the effective date; and at the bottom, center, the street address of the issuing officer. The carrier must also specify the issuing officer's title either at the bottom center of all tariff pages or on the title page and check sheet only.
 - (2) As an alternative, the issuing carrier may show in the upper left-hand corner the name of the issuing carrier, the title and street address of the issuing officer, and the issued date; and in the upper right-hand corner the FCC number of the tariff, with the page designation directly below, and the effective date. The carrier must specify the issuing officer's title in the upper left-hand corner of either all tariff pages, or on the title page and check sheet only. A carrier electing to place the information at the top of the page should annotate the bottom of each page to indicate the end of the material, e.g., a line or the term "Printed in USA", or "End".
 - (3) Only one format may be employed in a tariff publication.

§ 61.53 Consecutive numbering.

Carriers should file tariff publications under consecutive FCC numbers. If this cannot be done, a memorandum containing an explanation of the missing number or numbers must be submitted. Supplements to a tariff must be numbered consecutively in a separate series.

§ 61.54 Composition of tariffs.

- (a) Tariffs must contain in consecutive order: A title page; check sheet; table of contents; list of concurring, connecting, and other participating carriers; explanation of symbols and abbreviations; application of tariff; general rules (including definitions)

Proposed Part 61 Rules

regulations, exceptions and conditions; and rates. If the issuing carrier elects to add a section assisting in the use of the tariff, it should be placed immediately after the table of contents.

(b) The title page of every tariff and supplement must show:

(1) *FCC number, indication of cancellations.* In the upper right-hand corner, the designation of the tariff or supplement as "FCC No. _____", or "Supplement No. _____ to FCC No. _____", and immediately below, the FCC number or numbers of tariffs or supplements canceled thereby.

(2) *Name of carrier, class of service, geographical application, means of transmission.* The exact name of the carrier, and such other information as may be necessary to identify the carrier issuing the tariff publication; a brief statement showing each class of service provided; the geographical application; and the type of facilities used to provide service.

(3) *Expiration Date.* When the entire tariff or supplement is to expire with a fixed date, the expiration date must be shown in connection with the effective date in the following manner:

Expires at the end of _____ (date)
unless sooner canceled, changed or extended.

(4) *Title and address of issuing officer.* The title and street address of the officer issuing the tariff or supplement in the format specified in Section 61.52.

(5) *Revised title page.* When a revised title page is issued, the following notation must be shown in connection with its effective date:

Original tariff effective _____ (here
show the effective date of the original tariff).

(c)(1) The page immediately following the title page must be designated as "Original page 1" and captioned "Check Sheet". When the original tariff is filed, the check sheet must show the number of pages contained in the tariff. For example, "Page 1 to 150, inclusive, of this tariff are effective as of the date shown." When new pages are added, they must be numbered in continuing sequence, and designated as "Original page _____". For example, when the original

Proposed Part 61 Rules

tariff filed has 150 pages, the first page added after page 150 is to be designated as "Original page 151", and the foregoing notation must be revised to include the added pages.

(c)(2) If pages are to be inserted between numbered pages, each such page must be designated as an original page and must bear the number of the immediately preceding page followed by an alpha or numeric suffix. For example, when two new pages are to be inserted between pages 44 and 45 of the tariff the first inserted page must be designated as Original page 44A or 44.1 and the second inserted page as Original page 44B or 44.2. Issuing carriers may not utilize both the alpha and numeric systems in the same publication.

(c)(3) When pages are revised, when new pages (including pages with letter or numeric suffix as set forth above) are added to the tariff, or when supplements are issued, the check sheet must be revised accordingly. Revised check sheets must indicate with an asterisk the specific pages added or revised. In addition to the notation in (1), the check sheet must list, under the heading "The original and revised pages named below (and Supplement No. _____) contain all changes from the original tariff that are in effect on the date shown," all original pages in numerical order that have been added to the tariff and the pages which have been revised, including the revision number. For example:

Page	Number of revision except as indicated
Title	1st
1	*8th
3	5th
5A	*Orig
10	*8th
151	Orig

* New or Revised page.

Proposed Part 61 Rules

- (4) Changes in, and additions to tariffs must be made by reprinting the page upon which a change or addition is made. Such changed page is to be designated as a review page, canceling the page which it amends. For example, "First revised page 1 cancels original page 1," or "Second revised page 2 cancels first revised page 2," etc. When a revised page omits rates or regulations previously published on the page which it cancels, but such rates or regulations are published on another page, the revised page must make specific reference to the page on which the rates or regulations will be found. This reference must be accomplished by inserting a sentence at the bottom of the revised page that states "Certain rates (or regulations) previously found on this page can now be found on page ____". In addition, the page on which the omitted material now appears must bear the appropriate symbol opposite such material, and make specific reference to the page from which the rates or regulations were transferred. This reference must be accomplished by inserting a sentence at the bottom of the other page that states "Certain rates (or regulations) on this page formerly appeared on page ____".
- (5) Rejected pages must be treated as indicated in § 61.69.
- (d) *Table of contents.* The table of contents must contain a full and complete statement showing the exact location and specifying the page or section and page numbers, where information by subjects under general headings will be found. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.
- (e) *Tariff User's guide.* At its option, a carrier may include a section explaining how to use the tariff.
- (f) *List of concurring carriers.* This list must contain the exact name or names of carriers concurring in the tariff, alphabetically arranged, and the name of the city or town in which the principal office of every such carrier is located. If there are no concurring carriers, then the statement "no concurring carriers" must be made at the place where the names of the concurring carriers would otherwise appear. If the concurring carriers are numerous, their names may be stated in alphabetical order or in a separate tariff filed with the Commission by the issuing carrier. Specific reference to such

Proposed Part 61 Rules

separate tariff by FCC number must be made in the tariff at the place where such names would otherwise appear.

- (g) *List of connecting carriers.* This list must contain the exact number or names of connecting carriers, alphabetically arranged, for which rates or regulations are published in the tariff, and the name of the city or town in which the principal office of every such carrier is located. If there are no connecting carriers, then the statement "no connecting carriers" must be made at the place where their names would otherwise appear. If connecting carriers are numerous, their names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference to such separate tariff by FCC number must be made in the tariff at the place where such names would otherwise appear.
- (h) *List of other participating carriers.* This list must contain the exact name of every other carrier subject to the Act engaging or participating in the communication service to which the tariff or supplement applies, together with the name of the city or town in which the principal office of such carrier is located. If there is no such other carrier, then the statement "no participating carriers" must be made at the place where the names of such other carriers would otherwise appear. If such other carriers are numerous, their names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference must be made in the tariff at the place where such names would otherwise appear. The names of concurring and connecting carriers properly listed in a tariff published by any other participating carrier need not be repeated in this list.
- (i)(1) *Symbols, reference marks, abbreviations.* The tariff must contain an explanation of symbols, reference marks, and abbreviations of technical terms used. The following symbols used in tariffs are reserved for the purposes indicated below:
 - R to signify reduction.
 - I to signify increase.
 - C to signify changed regulation.
 - T to signify a change in text but no change in rate or regulation.

Proposed Part 61 Rules

S to signify reissued matter.

M to signify matter relocated without change.

N to signify new rate or regulation.

D to signify discontinued rate or regulation.

Z to signify a correction.

(2) The uniform symbols must be used as follows.

(i) When a change of the same character is made in all or in substantially all matter in a tariff, it may be indicated at the top of the title page of the tariff or at the top of each affected page, in the following manner: "All rates in this tariff are increases," or "All rates on this page are reductions, except as otherwise indicated."

(ii) When a change of the same character is made in all or substantially all matters on a page or supplement, it may be indicated at the top of the page or supplement in the following manner: "All rates on this page (or supplement) are increases," or "All rates on this page (or supplement) are reductions except as otherwise indicated."

(3) Items which have not been in effect 30 days when brought forward on revised pages must be shown as reissued, in the manner prescribed in § 61.54(i)(1). Items which have been in effect 30 days or more and are brought forward without change on revised pages must not be shown as reissued items.

(j) *Rates and general rules, regulations, exceptions and conditions.* The general rules (including definitions), regulations, exceptions, and conditions which govern the tariff must be stated clearly and definitely. All general rules, regulations, exceptions or conditions which in any way affect the rates named in the tariff must be specified. A special rule, regulation, exception or condition affecting a particular item or rate must be specifically referred to in connection with such item or rate. Rates must be expressed in United States currency, per chargeable unit of service for all

Proposed Part 61 Rules

communication services, together with a list of all points of service to and from which the rates apply. They must be arranged in a simple and systematic manner. Complicated or ambiguous terminology may not be used, and no rate, rule, regulation, exception or condition shall be included which in any way attempts to substitute a rate, rule, regulation, exception or condition named in any other tariff.

§ 61.56 Supplements.

A carrier may not file a supplement except to suspend or cancel a tariff publication.

§ 61.57 Cancellations.

The following paragraphs govern the cancellation of tariffs and supplements.

- (a) *By tariff or supplement.* A carrier may cancel any tariff or supplement in whole or in part by another tariff or supplement. Cancellation of a tariff automatically cancels every supplement to that tariff, except a canceling supplement.
- (b) *By expiration.* Subject to § 61.59, a carrier may cancel a tariff or supplement in whole or in part by fixing a date on which the rates or regulations will expire.
- (c) *Indication of.*
 - (1) A carrier which cancels a tariff or supplement in whole by another tariff or supplement in whole by another tariff or supplement must comply with § 61.54(b)(1). Cancellation of tariffs or supplements in whole by expiration must be indicated as provided in § 61.54(b)(3).
 - (2) Where a carrier issues a tariff, supplement, or revised page partially canceling another tariff, supplement, or revised page, it must specifically state what portion of the other tariff publication is canceled. Such other tariff or supplement must at the same time be correspondingly amended, effective on the same date.

Proposed Part 61 Rules

- (3) When only a part of a tariff or supplement is to expire, a carrier must show the expiration date on the same page, and associate it with the matter which is to expire. Changes in expiration date must be made pursuant to the notice requirements of § 61.58, unless otherwise authorized by the Commission. Expirations must be indicated as follows:

Expires at the end of _____ (date)
unless sooner canceled, changed or extended.

- (d) *Rates and regulations to apply.* When a carrier cancels a tariff or supplement in whole or in part by another tariff or supplement, the canceling publication must show where all rates and regulations will be found or what rates and regulations will apply.
- (e) *Omissions.* When a tariff or supplement canceling a previous tariff or supplement omits points of origin or destination, rates or regulations, or routes, which were contained in such tariff or supplement, the new tariff or supplement must indicate the omission in the manner prescribed in paragraph (c) of this section. If such omissions effect changes in rates or regulations, the fact must be indicated by the use of the uniform symbols prescribed in § 61.54(i)(1).
- (f) *Carriers ceasing operations.* When a carrier ceases operations without a successor, it must cancel its tariff pursuant to the notice requirements of § 61.58, unless otherwise authorized by the Commission.

§ 61.58 Notice requirements.

- (a) Every proposed tariff filing must bear an effective date and, except as otherwise provided by regulation, special permission, or Commission order, must be made on at least the number of days notice specified in this section.
- (1) Notice is accomplished by filing the proposed tariff changes with the Commission. Any period of notice specified in this section begins on and includes the date the tariff is received by the Commission, but does not include the effective date. If a tariff filing proposes changes governed by more than one of the notice periods listed below, the longest notice period will apply. In computing the notice period required,